

Message Text

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ACTION L-03

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NSC-10 PM-07 SSO-00 NSCE-00 INRE-00 PA-03 PRS-01

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TO SECSTATE WASHDC IMMEDIATE 858
INFO AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW
AMCONSUL MONTREAL
USUN NEW YORK 1729

UNCLAS SECTION 1 OF 2 ROME 9888

E.O. 11652: N/A
TAGS: ICAO, ETRN
SUBJ: ICAO AIR SECURITY CONFERENCE: CHICAGO CONVENTION
AMENDEMENT

MONTREAL FOR US REP ICAO

PLS PASS TO: LITTELL/AB; CRISCOLL/DOT; STEWART/FAA

1. THE FOLLOWING AMENDMENT OF THE CHICAGO CONVENTION WAS
APPROVED, TUES., SEP 18, BY THE ASSEMBLY EXECUTIVE COMMITTEE
AND MAY BE VOTED ON BY THE PLENARY ON SEPT 19:

BEGIN TEXT. QTE

APPENDIX

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AMENDMENT RELATING TO INCLUSION IN THE CHICAGO CONVENTION

OF 1944 OF SUPPLEMENTARY PROVISIONS TO IMPROVE THE SAFETY OF
INTERNATIONAL CIVIL AVIATION (CHAPTER XVI BIS)

THE ASSEMBLY,

HAVING MET IN ITS TWENTIETH SESSION (EXTRAORDINARY) AT ROME,
ON THE DAY OF SEPTEMBER 1973,

RECALLING THE PERTINENT PROVISIONS OF THE CHARTER OF THE UN IN
PARTICULAR ITS ART2 PARA 4 WHICH STATES: ALL MEMBERS SHOULD
REFRAIN IN THEIR INTERNATIONAL RELATIONS FROM THE THREAT OR
USE OF FORCE AGAINST THE TERRITORIAL INTEGRITY OR POLITICAL
INDEPENDENCE OF ANY STATE OR IN ANY MANNER INCONSISTENT WITH
THE PURPOSES OF THE UNITED NATIONS.

CONSIDERING THAT, BY BECOMING PARTIES TO THE CONVENTION
ON INTERNATIONAL CIVIL AVIATION, CONTRACTION STATES HAVE
AGREED ON CERTAIN PRINCIPLES AND ARRANGEMENTS IN ORDER THAT
INTERNATIONAL CIVIL AVIATION MAY BE CONDUCTED IN SAFE AND
ORDERLY MANNER,

CONSIDERING THAT THE CONTRACTION STATES DESIRE THAT
ALL PRACTICABLE MEASURES BE TAKEN TO SECURE THE SAFETY OF
INTERNATIONAL CIVIL AVIATION,

CONSIDERING THAT UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL
AVIATION JEOPARDIZE THE SAFETY OF PERSONS AND PROPERTY,
SERIOUSLY AFFECT THE OPERATION OF AIR SERVICES AND UNDERMINE
THE CONFIDENCE OF THE PEOPLES OF THE WORLD IN THE SAFETY OF
CIVIL AVIATION,

CONSIDERING THAT IT IS DESIRABLE TO ENSURE APPLICATION BY
THE LARGEST POSSIBLE NUMBER OF STATES OF THE PROVISIONS OF
CONVENTIONS DEALING WITH UNLAWFUL ACTS AGAINST THE SAFETY
OF INTERNATIONAL CIVIL AVIATION BY INCORPORATING THEM INTO THE
CONVENTION ON INTERNATIONAL CIVIL AVIATION DONE AT CHICAGO
ON 7 DEC 1944,

(1) APPROVES, IN ACCORDANCE WITH THE PROVISIONS OF ART 94(A)
OF THE CONVENTION AFORESAID, THE FOLLOWING PROPOSED AMENDMENT TO
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THE SAID CONVENTION:

THE FOLLOWING NEW CHAPTER SHALL BE ADDED TO PART III OF THE
CONVENTION ON INTERNATIONAL CIVIL AVIATION:

QTE CHAPTER XVI BIS

SUPPLEMENTARY PROVISIONS TO IMPROVE THE SAFETY OF ARTICLE

79 BIS

WHEN AN ACT OF UNLAWFUL SEIZURE OF AN AIRCRAFT HAS BEEN COMMITTED OR WHEN, DUE TO THE COMMISSION OF AN UNLAWFUL ACT AGAINST THE SAFETY OF CIVIL AVIATION, A FLIGHT HAS BEEN DELAYED OR INTERRUPTED, ANY CONTRACTING STATE IN WHOSE TERRITORY THE AIRCRAFT OR PASSENGERS OR CREW ARE PRESENT SHALL FACILITATE THE CONTINUATION OF THE JOURNEY OF THE PASSENGERS AND CREW AS SOON AS PRACTICABLE, AND SHALL WITHOUT DELAY RETURN THE AIRCRAFT AND ITS CARGO TO THE PERSONS LAWFULLY ENTITLED TO POSSESSION.

ARTICLE 79 TER

EACH CONTRACTING STATE SHALL IN ACCORDANCE WITH ITS NATIONAL LAW REPORT TO THE COUNCIL AS PROMPTLY AS POSSIBLE ANY RELEVANT INFORMATION IN ITS POSSESSION CONCERNING:

(A) ACTS OF UNLAWFUL SEIZURE OF AN AIRCRAFT;

(B) UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION;

(C) THE ACTION TAKEN PURSUANT TO ART 79 BIS;

(D) THE MEASURES TAKEN IN RELATION TO THE OFFENDER OR THE ALLEGED OFFENDER AND, IN PARTICULAR, THE RESULTS OF ANY EXTRADITION PROCEEDINGS OR OTHER LEGAL PROCEEDINGS.

ART 79 QUATER

EACH CONTRACTING STATE UNDERTAKES TO REFRAIN FROM THE USE OF FORCE OR THREAT THEREOF AGAINST CIVIL AIRCRAFT, AIRPORTS OR AIR NAVIGATION FACILITIES AND SERVICES OF ANOTHER STATE
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SUBJECT TO THE PROVISIONS OF THE CHARTER OF THE UNITED NATIONS AND OF THIS CONVENTION. THIS ART SHALL NOT IN ANY EVENT BE CONSTRUED AS LEGALIZING UNDER ANY CIRCUMSTANCES THE USE OR THE THREAT OF THE USE OF FORCE IN VIOLATION OF THE RULES OF INTERNATIONAL LAW.

ARTICLE 79 QUINQUES

WHEN EIGHTY-SIX CONTRACTING STATES TO THIS CONVENTION HAVE BECOME PARTIES TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT, SIGNED AT THE HAGUE ON 16 DEC 1970, ARTS 1 TO 11 OF THAT CONVENTION SHALL FORM AN INTEGRAL PART OF THIS CONVENTION, PROVIDED THAT IN THOSE ARTS REFERENCES TO THE CHAPTER UNQUATE AND REFERENCES TO ARTS IN THE SAID HAGUE CONVENTION SHALL BE CONSTRUED AS REFERRING ONLY TO SUCH

ARTICLES.

ARTICLE 79 SEXIES

WHEN EIGHTY-SIX OF THE CONTRACTION STATES TO THIS CONVENTION
HAVE BECOME PARTIES TO THE CONVENTION FOR THE SUPPRESSION OF
UNLAWFUL ACTS AGAINST THE SFETY OF CIVIL AVIATION SIGNED AT
MONTREAL ON 23 SEPT 1971, ARTS 1 TO 13 OF THAT CONVENTION
SHALL FORM AN INTEGRAL PART OF THIS CONVENTION, PROVIDED
THAT IN THOSE ARTS REFERENCES TO QTE THIS CONVENTION UNQTE
SHALL BE CONSTRUED AS REFERENCES TO QTE THIS CHAPTER UNQTE
AND REFERENCES TO ARTS IN THE SAID MONTREAL CONVENTION SHALL
BE CONSTRUED AS REFERRING ONLY TO SUCH ARTICLES. UNQTE

NEW ARTICLE

THE PROVISIONS OF ARTS 79 BIS AND 79 RELATION G TO THE.....

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UNCLAS SECTION 2 OF 2 ROME 9888

E.O. 11652: N/A

TAGS: ICAO, ETRN

SUBJ: ICAO AIR SECURITY CONFERENCE: CHICAGO CONVENTION
AMENDMENT

MONTREAL FOR US REP ICAO

PLS PASS TO: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

.....THE UNLAWFUL SEIZURE OF AIRCRAFT SHALL CEASE TO BE
IN FORCE WHEN 86 CONTRACTION STATES TO THIS CONVENTION HAVE
RATIFIED THE CONVENTION SIGNED AT THE HAGUE ON 16 DEC 1970.
THE PROVISIONS OF ARTS 79 BIS AND TER RELATING TO UNLAWFUL
ACTS DIRECTED AGAINST THE SAFETY OF CIVIL AVIATION SHALL
CEASE TO BE IN FORCE WHEN 86 CONTRACTION STATES TO THIS CONVEN-
TION HAVE RATIFIED THE CONVENTION SIGNED AT MONTREAL
ON 23 SEPT 1971.

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(2) SPECIFIES, PURSUANT TO THE PROVISIONS OF THE SAID
ART 94(A) OF THE SAID CONVENTION, EIGHTY-SIX AS THE NUMBER
OF CONTRACTION STATES UPON WHOSE RATIFICATION THE PROPOSED
AMENDMENT AFORESAID SHALL COME INTO FORCE, AND

(3) RESOLVES THAT THE SECRETARY GENERAL OF THE INTERNATIONAL
CIVIL AVIATION ORGANIZATION DRAW UP A PROTOCOL, IN THE
ENGLISH, FRENCH, RUSSIAN AND SPANISH LANGUAGES, EACH OF WHICH
SHALL BE OF EQUAL AUTHENTICITY, EMBODYING THE PROPOSED AMENDMENT
ABOVE MENTIONED AND THE MATTER HERINAFTER APPERARING:

(A) THE PROTOCOL SHALL BE SIGNED BY THE PRESIDENT OF THE
ASSEMBLY AND ITS SECRETARY GENERAL.

(B) THE PROCTOCOL SHALL BE OPEN TO RATIFICATION BY ANY STATE
WHICH HAS RATIFIED OR ADHERED TO THE SAID CONVENTION ON

INTERNATIONAL CIVIL AVIATION.

(C) THE INSTRUMENTS OF RATIFICATION SHALL BE DEPOSITED WITH
THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

(D) THE PROTOCOL WHALL COME INTO FORCE IN RESPECT OF THE
STATES WHICH HAVE RATIFIED IT ON THE DATE ON WHICH THE EIGHTY-
SIXTH INSTRUMENT OF RATIFICATION IS SO DEPOSITED.

(E) THE SECRETARY GENERAL SHALL IMMEDIATELY NOTIFY ALL CONTRAC-
TING STATES OF THE DATE OF DEPOSIT OF EACH RATIFICATION OF
THE PROTOCOL.

(F) THE SECRETARY GENERAL SHALL IMMEDIATELY NOTIFY ALL STATES PARTIES OR SIGNATORIES TO THE SAID CONVENTION OF THE DATE ON WHICH THE PROTOCOL COMES INTO FORCE.

(G) WITH RESPECT TO ANY CONTRACTION STATE RATIFYING THE PROTOCOL AFTER THE DATE AFORESAID, THE PROTOCOL SHALL COME INTO FORCE UPON DEPOSIT OF ITS INSTRUMENT OF RATIFICATION WITH THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.VOLPE

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